<u>REMARKS</u>

This Amendment is being filed in response to the Office Action

mailed August 22, 2008 which has been reviewed and carefully

considered. Reconsideration and allowance of the present

application in view of the remarks to follow are respectfully

requested.

Claims 1-12, 14-17 and 19-21 remain in this application, where

claims 12 and 18 had been canceled without prejudice. Claims 1, 8,

11-12 and 15 are independent.

In the Office Action, claims 1-6, 8, 11-12, 14-17 and 19-21

are rejected under 35 U.S.C. §102(e) as allegedly anticipated by

U.S. Patent No. 6,377,958 (Orcutt). Further, claims 7 and 9-10 are

rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Orcutt in view of U.S. Patent No. 6,895,490 (Moore). It is

respectfully submitted that claims 1-12, 14-17 and 19-21 are

patentable over Orcutt and Moore for at least the following

reasons.

Throughout the Office Action, such as on page 2-3 in the

Response to Arguments section, and on page 6, second full

paragraph, column 13, lines 18-27 of Orcutt are cited to allegedly

show an "indicator indicating the inconsistency if the virtual file

system data and/or the main file system data are changed," as

recited in independent claim 1, and similarly recited in

independent claims 8 and 11-12.

Column 13, lines 18-27 of Orcutt specifically recite:

> During an identifying step 504, the file system
> being used in the selected partition is identified by
> checking the system <u>indicator</u> 310. The system
> <u>indicator</u> may <u>identify</u> an advanced file system such as
> <u>NTFS or ext2</u>. However the step 504 may <u>also identify</u> a
> <u>proprietary or in-progress partition</u> which **indicates**
> **that partition conversion was interrupted**, such as a
> **recovery partition indicator**. If a recovery partition
> indicator is present, <u>recovery proceeds by backing out</u>
> <u>all changes, by continuing the conversion from the</u>
> <u>last logged checkpoint, or by creating a new set</u> of
> FAT file system structures without regard to work that
> may have been done on previously creating such
> structures in this partition.   (Emphasis added)

In summary, column 13, lines 18-27 merely disclose that, if a

recovery partition indicator is present, then recovery is

performed. This recovery partition indicator indicates that ·

partition conversion was interrupted, and has nothing to do with

indicating any "inconsistency if the virtual file system data

and/or the main file system data are changed," as recited in

independent claims 1, 8 and 11-12. Assuming, arguendo, that the Orcutt recovery partition indicator indicates some sort of inconsistency (which it does not as it merely indicates that partition conversion was interrupted), there is still no disclosure or suggestion that any indicated inconsistency occurs if the virtual file system data and/or the main file system data are changed. At best, any indicated inconsistency in Orcutt occurs when a partition conversion is interrupted.

There is simply no disclosure or suggestion in Orcutt of the present invention as recited in independent claim 1, and similarly recited in independent claims 8 and 11-12 which, amongst other patentable elements, recites (illustrative emphasis provided):

> an indicator stored in an indicator area, the indicator indicating whether the main system data and the virtual file system data are consistent, the indicator <u>indicating the inconsistency if</u> the virtual file system data and/or the main file system data are <u>changed</u>.

Further, in the Office Action, column 13, lines 40-45 and 18-30 are cited, such as on page 16, last three paragraphs, to allegedly show that "the indicator comprises a flag which is set when the virtual data are updated, indicating that the virtual data

are valid, and which is reset when the main data are updated independently, indicating that the virtual file system data are invalid," as recited in independent claim 15.

As noted above, column 13, lines 18-30 merely disclose that a recovery partition indicator indicates that a partition conversion was interrupted, and has nothing to do with any main/virtual data or any setting/resetting any flags, let along a flag that indicates whether a virtual file system in valid or not, as recited in independent claim 15.

Further, column 13, lines 40-45 of Orcutt specifically recite:

> In NTFS, the system 600 is presumed to be in an unknown state if a volume's "dirty bit" is set. The dirty bit may be set, for instance, if power to the computer 602 is shut off before the file and operating systems have shut down, or if a disk I/O operation is interrupted. (Emphasis added)

That is, column 13, lines 40-45 merely discloses setting a bit if the system is in an unknown state. This has nothing to do with "a flag which is set when the virtual data are updated, indicating that the virtual data are valid, and which is **reset when the main data are updated independently**, **indicating** that the **virtual** file system data are **invalid**," as recited in independent claim 15.
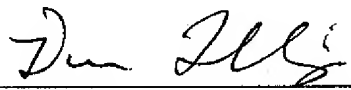
(Illustrative emphasis provided)

Accordingly, it is respectfully submitted that independent claims 1, 8, 11-12 and 15 should be allowable. In additions, claims 2-7, 9-10, 14, 16-17 and 19-21 should be allowable at least based on their dependence from independent claims 2-7, 9-10, 14, 16-17 and 19-21. Moore is cited to allegedly show other features and do not remedy the deficiencies in Orcutt.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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